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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------|
| 10/663,429  | 09/16/2003  | Alan Whyte           | KNN-007                    | 1559             |
| 21323   | 7590        | 09/16/2005           | EXAMINER                   |                  |
| TESTA, HURWITZ & THIBEAULT, LLP<br>HIGH STREET TOWER<br>125 HIGH STREET<br>BOSTON, MA 02110 |             |                      | MARCELO, EMMANUEL MONSAYAC |                  |
|   |             |                      | ART UNIT                   | PAPER NUMBER     |
|   |             |                      | 3654                       |                  |

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                       |                         |  |
|------------------------------|---------------------------------------|-------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>                | <b>Applicant(s)</b>     |  |
|                              | 10/663,429                            | WHYTE ET AL.            |  |
|                              | <b>Examiner</b><br>Emmanuel M Marcelo | <b>Art Unit</b><br>3654 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 July 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 and 10-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,7,8 and 10-16 is/are rejected.  
 7) Claim(s) 3-6 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 05 July 2005 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

*Drawings*

The drawings were received on July 5, 2005. These drawings are approved.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7, 10 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gordon. The roll support fo Gordon that is used to apply paper to a vehicle includes a support frame 10, translation assembly (wheels) 15 and a roll support or applicator 21, 25.

Claims 13-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yasnogorodskiy et al or Tetzner.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tetzner.

The particular type of structure to which the material of Tetzner is applied would have been an obvious design consideration to one of ordinary skill in the art since Tetzner could have applied his material to any structure, whether on boxes on a pallet, a vehicle, a house, etc. No unobvious result is attained by applying material to a pallet rather than a vehicle. Regarding claim 8, note the clutch or brake 40 of Tetzner, col. 3, lines 56-60.

Claims 1, 2, 7, 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasnogorodskiy et al.

Again, the particular object against which the material in Yasnogorodskiy et al is applied would have been an obvious design consideration.. Regarding claim 8, note the collar member 80 of Yasnogorodskiy et al that functions as a brake.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasnogorodskiy et al in view of Arnold.

It would have been obvious to one of ordinary skill in the art to use an urging assembly in Yasnogorodskiy et al in order to press the material against the object to which the material is applied in view of the teaching of Arnold, note urging assembly 26, to better apply the material to the object without wrinkles, etc.

***Allowable Subject Matter***

Claim 3-6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed July 5, 2005 have been fully considered but they are not persuasive. Regarding the amendments to claims 1 and 13, the language "adapted to" is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

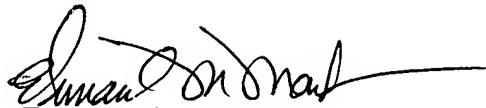
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3654

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel M Marcelo whose telephone number is 571-272-6949. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Emmanuel M Marcelo  
Primary Examiner  
Art Unit 3654

emm  
September 14, 2005

Title: Application Tool  
Inventor(s): Whyte et al.  
Serial No.: 10/663,429  
Atty Docket No.: KNN-007  
Express Mail Label No.: EV668159162US  
Replacement Sheet 1 of 4



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draw  
corrections  
approved  
CWS  
9/14/05

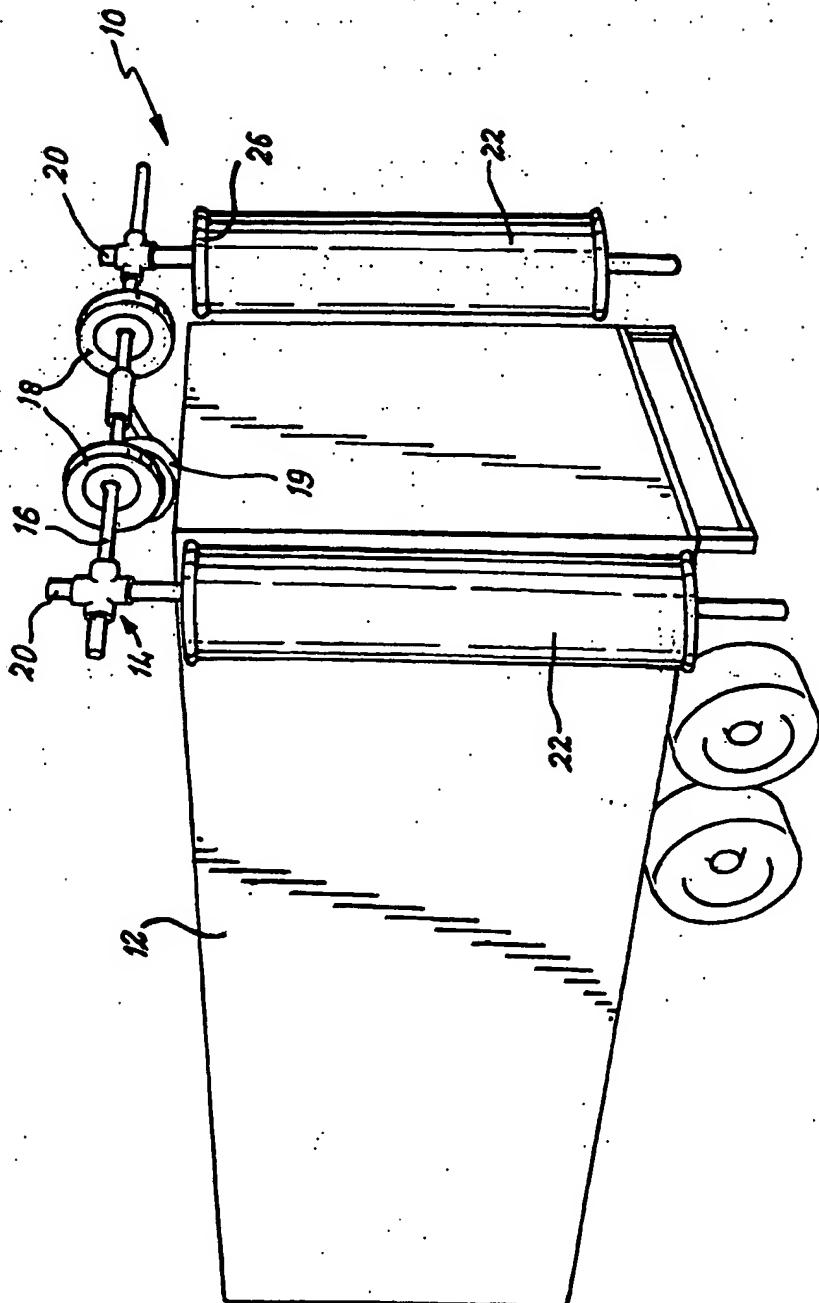


FIG. 1

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Title: Application Tool  
Inventor(s): Whyte et al.  
Serial No.: 10/663,429  
Atty Docket No.: KNN-907  
Express Mail Label No.: EV668159162US  
Replacement Sheet 2 of 4

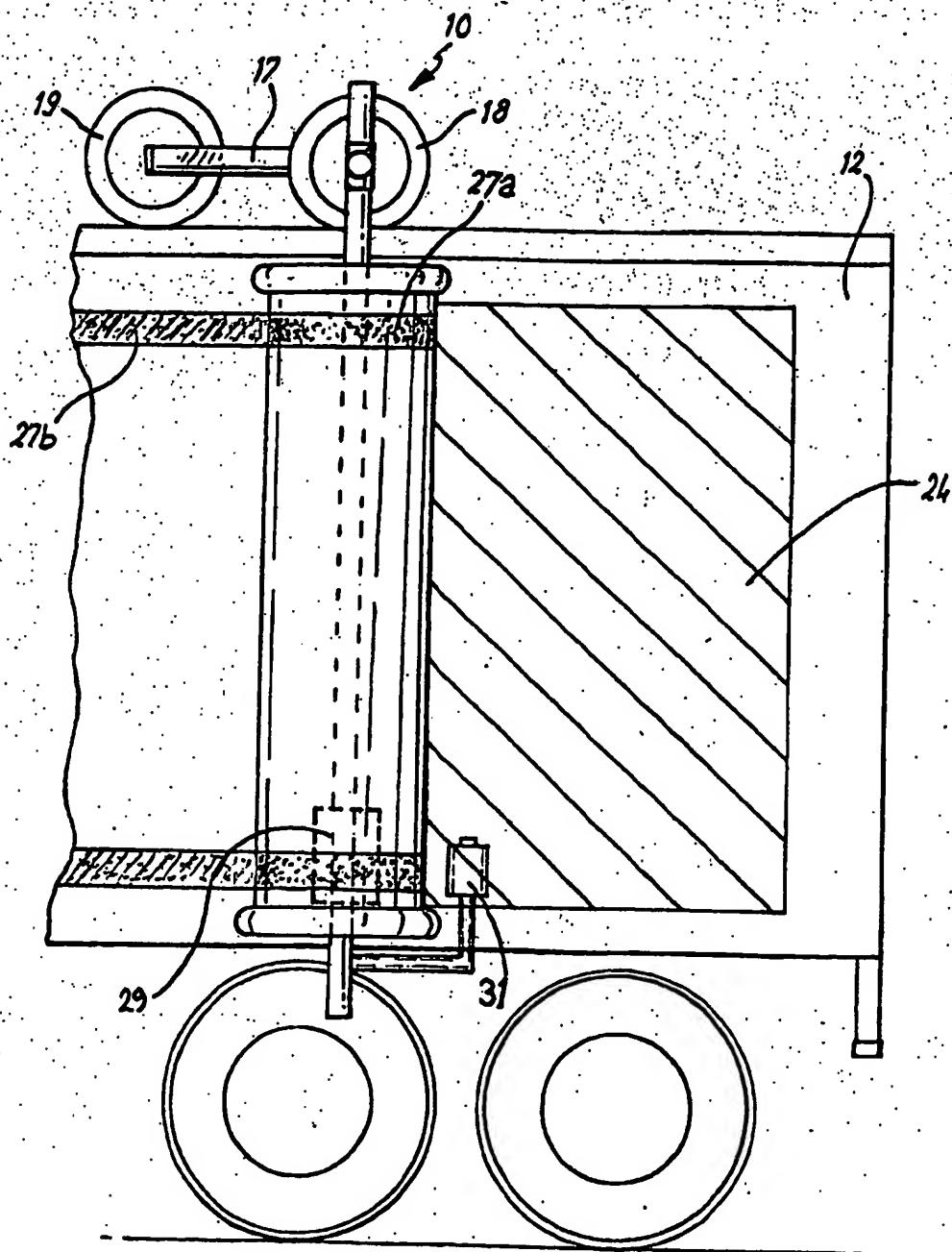


FIG. 2

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Title: Application Tool  
Inventor(s): Whyte et al.  
Serial No.: 10/663,429  
Atty Docket No.: KNN-007  
Express Mail Label No.: EV668159162US  
Replacement Sheet 3 of 4

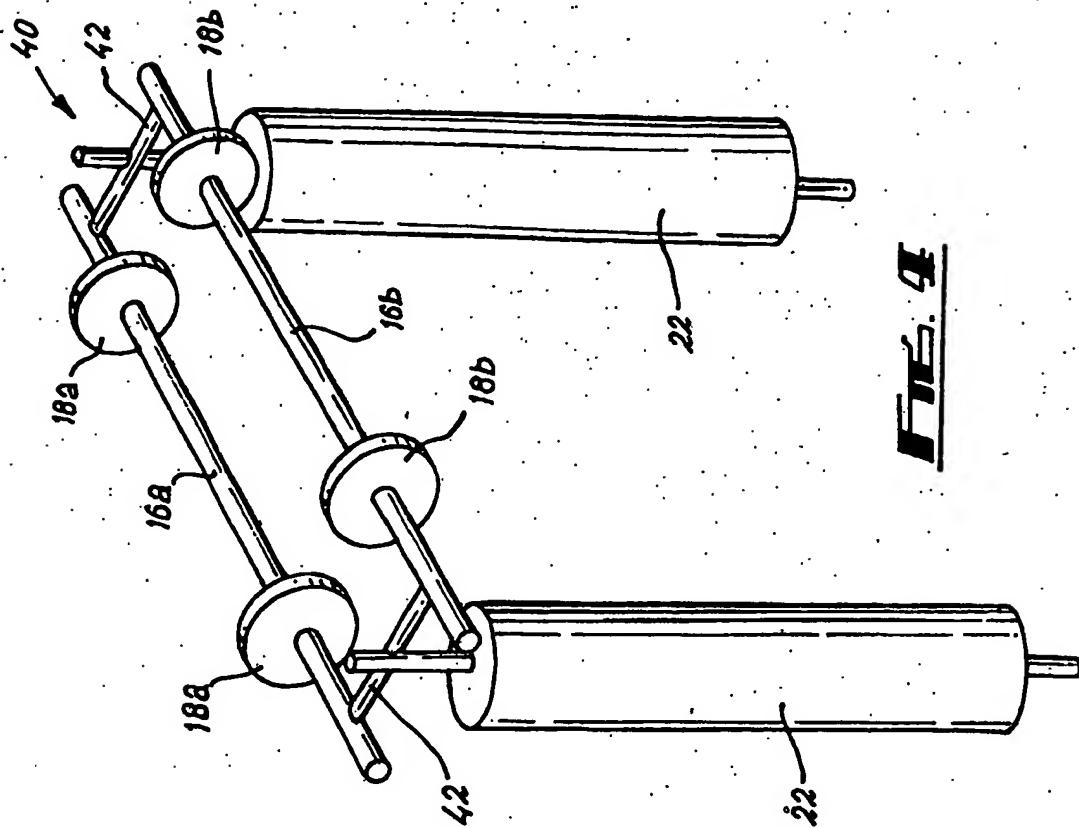


FIG. 4

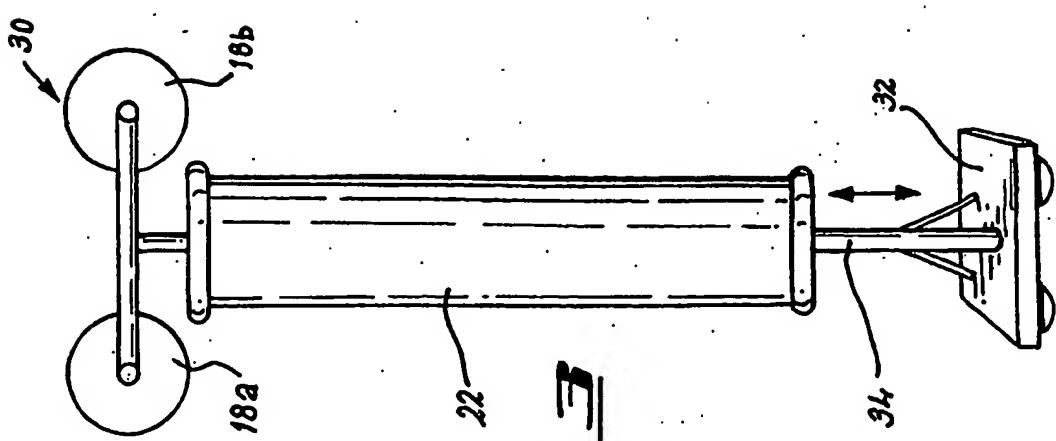
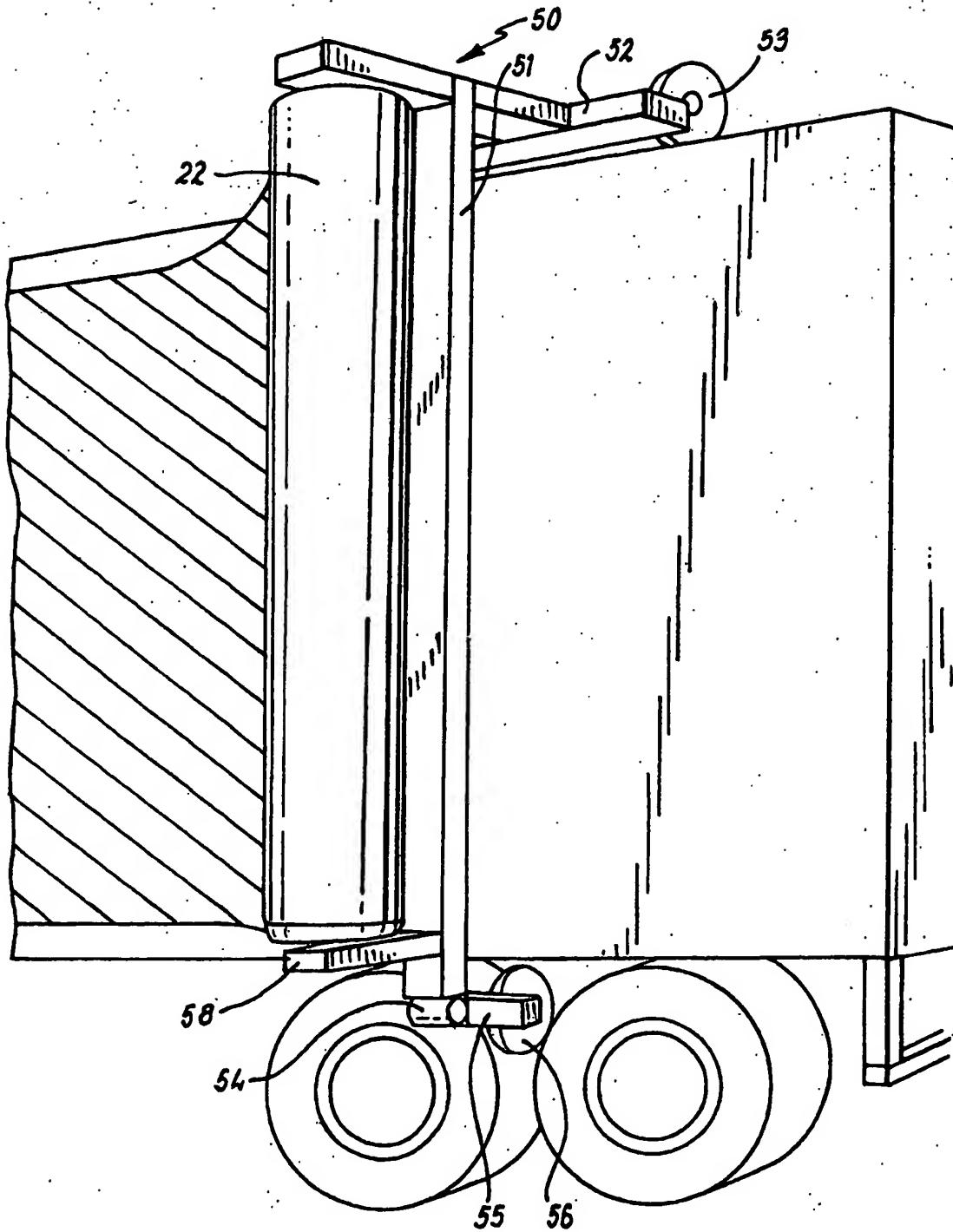


FIG. 3

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Title: Application Tool  
Inventor(s): Whyte et al.  
Serial No.: 10/663,429  
Atty Docket No.: KNN-007  
Express Mail Label No.: EV668159162US  
Replacement Sheet 4 of 4



Figs. 5